

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAUN WRIGHT,	:	CIVIL ACTION NO. 1:08-CV-0334
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
YORK DAILY RECORD and	:	
RICK LEE,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 2nd day of April, 2008, upon consideration of *pro se* plaintiff's motion to amend the complaint (Doc. 9), and the order of court dated March 7, 2008 (Doc. 8) which dismissed the complaint and granted leave to amend only to allow plaintiff to demonstrate that the court has diversity jurisdiction pursuant to 28 U.S.C. § 1332,¹ and it appearing that plaintiff concedes that the court does not have diversity jurisdiction (see Doc. 9 ¶ 2 (seeking to amend the original complaint to "change the last part stating that this court has 'diversity jurisdiction' . . . [to] state that this court has 'subject matter jurisdiction'")), it is hereby ORDERED that:

¹ The complaint alleges federal claims under 42 U.S.C. § 1983 and state law claims of defamation. (See Doc. 1.) In the order dated March 7, 2008 (Doc. 8), the court dismissed the federal claims because the defendants were not acting under the color of state law. See Kneipp v. Tedder, 95 F.3d 1199, 1204 (3d Cir. 1996) (stating that to establish a civil rights claim under § 1983, the plaintiff must show a "deprivation" of a constitutional or statutory right by a person "acting under color of state law"). The court also declined to exercise supplemental jurisdiction over the state law claims. (See Doc. 8 at 2 n.2.)

1. The motion to amend (Doc. 9) is DENIED.
2. Any appeal from this order is DEEMED frivolous and not in good faith.
See 28 U.S.C. § 1915(a)(3).
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge